

ORIGINAL

FILED
Clerk
District Court

AUG 16 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

DANILO T. AGUILAR
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Attorney for Plaintiff
John (Jack) Angello

IN THE UNITED STATES DISTRICT COURT

FOR THE

NORTHERN MARIANA ISLANDS

JOHN (JACK) ANGELLO,

Plaintiff,

v.

NORTHERN MARIANAS COLLEGE,

Defendant.

CIVIL ACTION NO. 03-0014

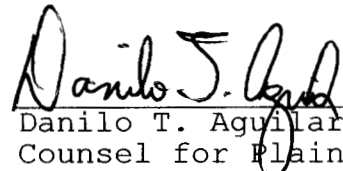
**DECLARATION OF PLAINTIFF'S
COUNSEL IN OPPOSITION OF
SANCTIONS**

Pursuant to 7 CMC § 3305, I, Danilo T. Aguilar, hereby
declare:

1. I am counsel of record for the Plaintiff in the above-styled action.
2. I am duly licensed to practice law before this Court.
3. On August 1, 2005, Plaintiff Angello sent an Open Government request to the Northern Marianas College (NMC), pursuant to 1 CMC § 9917.

- 1 4. After reviewing the CNMI Constitution, Article III,
2 Section 11 and, furthermore, after reading the attached
3 letter from the CNMI Attorney General's Office, I do
4 believe that defense counsel's appearance for NMC, does
5 not comply with the CNMI Constitution. See Attachment
6 "1".
7
- 8 5. Following the Court's rules, Plaintiff effected service
9 on the Commonwealth and NMC by serving the CNMI Attorney
10 General. To date, the CNMI Attorney General has not
11 made an appearance in this case. See Attachment "2".
12
- 13 6. NMC has hired private counsel, Mr. Smith, who has not
14 been officially designated as an Assistant Attorney
15 General, and does not have the constitutionally-vested
16 responsibility to represent NMC in legal matters.

17 I declare under penalty of perjury that the forgoing is true
18 and correct to the best of my knowledge and that this declaration
19 was executed on August 16th, 2005, at Saipan, CNMI.

20 
21 Danilo T. Aguilar, F0198
22 Counsel for Plaintiff
23
24
25



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor-Administration Building Capitol Hill
Caller Box 10007, Saipan, MP 96950

Attorney General/Civil Division
Tel: (670) 664-2341
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Criminal Division
Tel: (670) 664-2366/2367/2368
Fax: (670) 234-7016

February 28, 2003

Hon. Stanley T. Torres
Chairman, Committee on Ways and Means
House of Representatives
13th CNMI Legislature
P.O. Box 500610
Saipan, MP 96950

Re: Request for a Legal Opinion on NMC Policies and Actions

Dear Chairman Torres:

This letter is in response to your correspondence of February 21, 2003, in which you requested my office to render a legal opinion on various matters relating to the Northern Marianas College ("NMC").

As the CNMI Attorney General, I have the constitutional duty to act as counsel to the Governor and the Executive Branch. This duty has created the traditional attorney-client relationship with those agencies. Therefore, my duty to the Executive Branch agencies, including NMC, precludes me from answering any questions pertaining to the propriety of NMC's actions. If there are facts that mandate that I take action to perform my other constitutional duties, including representing the Commonwealth in all legal matters and prosecuting violations of Commonwealth law, then I will take such action when appropriate.

In addition, for the Attorney General's Office to provide opinions of law to the legislature would raise a concern about separation of powers. For these reasons, I will be unable to respond to your request for a legal opinion.

It is my intention to continue to work with the Legislature on matters of mutual interest to accomplish mutual objectives. However, the current circumstances do not permit my office to respond to your inquiry.

Sincerely,

RAMONA V. MANGLONA
Attorney General



CERTIFICATE OF ACCEPTABLE DELIVERY

Case Name: John (Jack) Angello v. Kenneth Wright, et al.

Case Number: Civil Action No. 03-0014 (U.S. District Court)

Delivered to: Acting Attorney General David Hutten

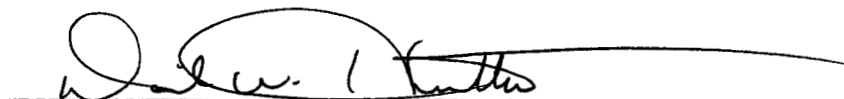
Documents Received:

Complaint and Request for Jury Trial
Copies of Summons

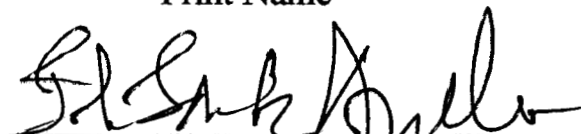
Date Received: 7-02-03

Time: 4:59

Received by: David W. Hutton
Print Name


Signature

Delivered by: John Jack Angello
Print Name


Signature

"2"